

Appl. No. 10/034,586
Amtdt. dated June 23, 2006
Reply to Office Action of March 23, 2006

REMARKS

Applicant has carefully reviewed the Office Action mailed March 23, 2006, prior to preparing this response. Currently claims 5-22 and 24-34 are pending in the application, wherein claims 5-22 and 24-34 have been rejected. Favorable consideration of the following remarks is respectfully requested.

A Notice enclosed with the Advisory Action dated April 18, 2005 indicated the drawings were objected by the Official Draftsman. Substitute drawings believed to be in compliance with 37 CFR §1.84 were enclosed with the Amendment accompanying the Request for Continued Examination filed on May 18, 2005. There was no indication in the Office Action mailed March 23, 2006 of whether the substitute drawings were received with favorable consideration. Applicant respectfully requests indication in the next paper of whether the substitute drawings were accepted in the application.

Claims 5, 11-13, 20-22, 24-26 and 28-33 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lundquist, U.S. Patent No. 5,329,923. Applicant respectfully traverses this rejection.

After carefully reviewing the rejection, Applicant respectfully asserts the Examiner's characterization of the teachings of Lundquist is misplaced. The Examiner erroneously states Lundquist discloses "a raised pattern (41) of generally noncontiguous element [sic] (fig. 3) disposes [sic] on the outer surface." Applicant respectfully disagrees with this suggestion. The elements labeled 41 in Lundquist are slots cut into the cylindrical wall 36 of the torque tube 31. See Lundquist, column 5, lines 1-25. The slots 41, which are cut into the cylindrical wall 36, are defined by the absence of material along the tube 31. Applicant asserts the slots 41 disclosed in

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Lundquist are not equivalent to a raised pattern as currently claimed in claim 5, and to suggest the contrary would disregard the descriptive nature of the term "raised" as currently claimed.

For at least this reason, Lundquist fails to anticipate the rejected claims. Applicant asserts claim 5, as well as claims 11-14, 20-22, 24-26 and 28-33, are currently in condition for allowance and withdrawal of the rejection is respectfully requested.

Claims 5, 12, 25, 27, 32 and 34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tittel, U.S. Patent No. 4,465,482. Applicant respectfully traverses this rejection.

After carefully reviewing the rejection, Applicant respectfully asserts the Examiner's characterization of the teachings of Tittel is misplaced. The Examiner erroneously states Tittel discloses "a raised pattern (12) of generally noncontiguous element [sic] (fig. 2) disposes [sic] on the outer surface." Applicant respectfully disagrees with this suggestion. The elements labeled 12 in Tittel are diamond shaped perforations cut into the cylindrical wall of the suction drainage tube. See Tittel, column 2, lines 49-55. The perforations 12, which are cut into the cylindrical wall of the tube, are defined by the absence of material along the tube. Applicant asserts the perforations 12 disclosed in Tittel are not equivalent to a raised pattern as currently claimed in claim 5, and to suggest the contrary would disregard the descriptive nature of the term "raised" as currently claimed.

For at least this reason, Tittel fails to anticipate the rejected claims. Applicant asserts claim 5, as well as claims 12, 25, 27, 32 and 34, are currently in condition for allowance and withdrawal of the rejection is respectfully requested.

Claims 6-10 and 15-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lundquist, U.S. Patent No. 5,329,923. Applicant respectfully traverses this rejection, asserting a *prima facie* case of obviousness has not been established. As stated above, Lundquist fails to

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teach each and every limitation of either claim 5 or claim 12, of which the rejected claims depend from. Therefore, a *prima facie* case cannot be established regarding claims 6-10 and 15-19. For at least this reason, claims 6-10 and 15-19 are believed to currently be in condition for allowance and withdrawal of the rejection is respectfully requested.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lundquist, U.S. Patent No. 5,329,923, in view of Moore et al., U.S. Patent No. 4,669,465. Applicant respectfully traverses this rejection, asserting a *prima facie* case of obviousness has not been established. As stated above, Lundquist fails to teach each and every limitation of claim 12. Moore fails to remedy the shortcomings of Lundquist, thus a *prima facie* case has not been established regarding claim 14. For at least this reason, claim 14 is believed to currently be in condition for allowance and withdrawal of the rejection is respectfully requested.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

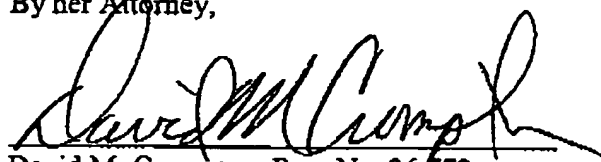
Respectfully submitted,

Tracee E.J. Eidenschink

By her Attorney,

Date: _____

6/23/06



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